

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1245 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       "SECTION 1. IC 35-40-6-4, AS ADDED BY P.L.139-1999,
- 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2004]: Sec. 4. **(a) As used in this section, "identifying**
- 6       **information" has the meaning set forth in IC 35-43-5-1.**
- 7       **(b) A prosecuting attorney or a victim assistance program shall do**
- 8       the following:
- 9       (1) Inform a victim that the victim may be present at all public
- 10      stages of the criminal justice process to the extent that:
- 11      (A) the victim's presence and statements do not interfere with
- 12      a defendant's constitutional rights; and
- 13      (B) there has not been a court order restricting, limiting, or
- 14      prohibiting attendance at the criminal proceedings.
- 15      (2) Timely notify a victim of all criminal justice hearings and
- 16      proceedings that are scheduled for a criminal matter in which the
- 17      victim was involved.
- 18      (3) Promptly notify a victim when a criminal court proceeding has
- 19      been rescheduled or canceled.
- 20      (4) Obtain an interpreter or translator, if necessary, to advise a
- 21      victim of the rights granted to a victim under the law.
- 22      (5) Coordinate efforts of local law enforcement agencies that are
- 23      designed to promptly inform a victim after an offense occurs of

1 the availability of, and the application process for, community  
2 services for victims and the families of victims, including  
3 information concerning services such as the following:

- 4 (A) Victim compensation funds.
- 5 (B) Victim assistance resources.
- 6 (C) Legal resources.
- 7 (D) Mental health services.
- 8 (E) Social services.
- 9 (F) Health resources.
- 10 (G) Rehabilitative services.
- 11 (H) Financial assistance services.
- 12 (I) Crisis intervention services.
- 13 (J) Transportation and child care services to promote the  
14 participation of a victim or a member of the victim's immediate  
15 family in the criminal proceedings.

16 (6) Inform the victim that the court may order a defendant  
17 convicted of the offense involving the victim to pay restitution to  
18 the victim under IC 35-50-5-3.

19 (7) Upon request of the victim, inform the victim of the terms and  
20 conditions of release of the person accused of committing a crime  
21 against the victim.

22 (8) Upon request of the victim, give the victim notice of the  
23 criminal offense for which:

- 24 (A) the defendant accused of committing the offense against  
25 the victim was convicted or acquitted; or
- 26 (B) the charges were dismissed against the defendant accused  
27 of committing the offense against the victim.

28 (9) In a county having a victim-offender reconciliation program  
29 (VORP), provide an opportunity for a victim, if the accused  
30 person or the offender agrees, to:

- 31 (A) meet with the accused person or the offender in a safe,  
32 controlled environment;
- 33 (B) give to the accused person or the offender, either orally or  
34 in writing, a summary of the financial, emotional, and physical  
35 effects of the offense on the victim and the victim's family;  
36 and
- 37 (C) negotiate a restitution agreement to be submitted to the  
38 sentencing court for damages incurred by the victim as a result  
39 of the offense.

40 (10) Assist a victim in preparing verified documentation necessary  
41 to obtain a restitution order under IC 35-50-5-3.

42 (11) Advise a victim of other rights granted to a victim under the  
43 law.

44 **(c) Except as provided in subsection (d), a prosecuting attorney**  
45 **shall not disclose victim identifying information during discovery**

1 and other proceedings.

2 (d) For good cause shown, the court may order the disclosure  
3 of victim identifying information. The court may impose  
4 reasonable restrictions on the disclosure of victim identifying  
5 information, including a requirement that the identifying  
6 information not be disclosed to the defendant."

7 Page 2, between lines 27 and 28, begin a new paragraph and insert:

8 "SECTION 3. IC 35-46-1-8 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) A person at least  
10 eighteen (18) years of age ~~or older~~ who knowingly or intentionally  
11 encourages, aids, induces, or causes a person ~~under less than~~ eighteen  
12 (18) years of age to commit an act of delinquency (as defined by  
13 IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a  
14 Class A misdemeanor.

15 (b) However, ~~the~~ an offense described in subsection (a) is a Class  
16 C felony if:

17 (1) the:

18 (A) person knowingly or intentionally furnishes:

19 (i) an alcoholic beverage to a person less than eighteen  
20 (18) years of age in violation of IC 7.1-5-7-8 when the  
21 person knew or reasonably should have known that the  
22 person was less than eighteen (18) years of age; or

23 (ii) a controlled substance (as defined in IC 35-48-1-9)  
24 or a drug (as defined in IC 9-13-2-49.1) in violation of  
25 Indiana law; and

26 (B) consumption, ingestion, or use of the alcoholic  
27 beverage, controlled substance, or drug is the proximate  
28 cause of the death of any person; or

29 (2) the person is at least eighteen (18) years of age and  
30 knowingly or intentionally encourages, aids, induces, or causes a  
31 person less than eighteen (18) years of age to commit an act that  
32 would be a felony if committed by an adult under any of the  
33 following:

34 ~~(1)~~ (A) IC 35-48-4-1.

35 ~~(2)~~ (B) IC 35-48-4-2.

36 ~~(3)~~ (C) IC 35-48-4-3.

37 ~~(4)~~ (D) IC 35-48-4-4.

38 ~~(5)~~ (E) IC 35-48-4-4.5.

39 ~~(6)~~ (F) IC 35-48-4-4.6. ~~or~~

40 ~~(7)~~ (G) IC 35-48-4-5."

41 Page 2, line 28, delete ", " and insert "and IC 35-46-1-8, both".

- 1 Page 2, line 29, delete "applies" and insert "**apply**".
- 2 Renumber all SECTIONS consecutively.  
(Reference is to HB 1245 as printed January 30, 2004.)

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Representative Kuzman